

Exhibit G(II), Motion to Try Petition on Hearing Record

County of Kings
State of New York

Case 29-CA-261755

CONFIDENTIAL TELEPHONE WITNESS AFFIDAVIT

I, Derrick Palmer, being duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the Board and will not be disclosed unless it becomes necessary to produce the Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED]

My cellphone number is [REDACTED]; my email address is:
[REDACTED]

- 1 1. I am employed by Amazon (the Employer or Amazon). I have been employed by
2 Amazon since about July 24, 2015. I am employed as a Warehouse Associate. I work
3 at the Employer's Warehouse JFK8 located in Staten Island, New York (JFK8 or the
4 Warehouse). I currently work in the Pack Department. My primary responsibility is
5 to make sure that items are packed and shipped out.
- 6 2. I work Wednesday through Saturday. My work schedule is from 7:15 AM to 5:45 PM.
- 7 3. There are no more than 5,800 employees that work at the Warehouse.
- 8 4. Sometime at the end of March 2020, my coworkers and I began organizing around
9 COVID-19 related issues. Worker Organizer Christian Smalls (Smalls) was terminated

Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, www.nlr.gov. Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

Initials DP

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- 1 on March 30, 2020 ~~for protesting Amazon's failure to provide workers protection~~
 2 ~~against COVID-19.~~ ~~RESPONSE TO COVID-19.~~ Worker Organizer Gerald Bryson (Bryson) was terminated around DP
 3 April 17, 2020 ~~for protesting Amazon's failure to provide workers protection against~~
 4 ~~COVID-19.~~ ~~RESPONSE TO COVID-19.~~ ~~AFTER PROTESTING AND SPEAKING UP ABOUT AMAZON'S~~ DP
 5 5. In March/April 2020, Jordan Flowers (Flowers), Jason Anthony (Jason), Helli Rangel
 6 (Helli), Mandi Velasco (Mandi), Tristan Martinez (Tristan) were all worker organizers
 7 that interrupted management meetings and demonstrated outside of the Warehouse in
 8 protest of Amazon's failure to protect workers from COVID-19.
- 9 6. Ashley (LNU), Angelique (LNU), Guiselle. (LNU), Jazel, (LNU) were some of the
 10 employees that walked in on a management meetings in March/April 2020 to protest
 11 Amazon's failure to provide workers protection against COVID-19. DP
- 12 7. After Bryson was terminated in April 2020, Warehouse employees formed the ~~Council~~ CONGRESS
 13 Of Essential Workers (TCOEW). Bryson, Smalls, Flowers and I founded the TCOEW.
 14 The TCOEW has engaged organizing activities like general strikes in support of other
 15 essential workers outside of Amazon.
- 16 8. Sometime in February 2021, the TCOEW went to Bessemer, Alabama to support
 17 Amazon employees in their fight for a union.
- 18 9. The employees at JFK8 formed the Amazon Labor Union (ALU or Union) on or about
 19 April 20, 2021. On or about April 20, 2021 was the first time that the ALU set up a
 20 tent next to the bus stop outside of JFK8 parking lot. On or about April 20, 2021, ALU
 21 began distributing Union authorization cards. The ALU gave an ALU tee-shirt and a
 22 mask to any employee that signed an authorization card. The ALU asked employees
 23 to wear the tee-shirt and mask in support of the ALU while at work. There are too
 24 many employees to count that refused to wear Union shirt/masks. Employees refuse

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1 to wear ALU shirts/masks because they are afraid that they will be fired like Smalls
 2 and Bryson. I do not know the names of the employees that refuse to wear ALU
 3 shirts/masks for fear of retaliation. There are also many employees that do wear Union
 4 shirts/masks in support of the ALU.

5 10. Smalls is the President of the ALU. I am the Vice President of the ALU. Flowers and
 6 Bryson are Security Officers. Jason is an ALU organizer. The core ALU members are
 7 Tristan, Brett Daniels, Conner Spence, Madelyn Wright, and Natalie Minares. Since
 8 March 2020, Smalls, Bryson, Flowers, Jason, Tristan have all been involved in
 9 organizing at JFK8.

10 11. Since March 2020, Ashley was terminated and Guiselle went to the army. I am not
 11 sure if Angelique is still employed. Jazel no longer speaks to me. After Bryson was

12 terminated, Jazel stopped speaking to me. I BELIEVE SHE WAS WORRIED
 13 THAT SHE MIGHT BE FIRED IF SHE CONTINUED TO SPEAK OUT ABOUT

14 12. Helli is not involved in the ALU. Helli decided not to support ALU because she wants
 15 to move up to a Processing Assistant position at Amazon. Helli refused to sign a Union
 authorization card.

DP
 DP
 AMAZON'S
 COVID-19
 RESPONSE.

16 13. Mandi moved to Florida a few months ago. Mandi was a supporter of the ALU before
 17 she moved to Florida. Mandi distributed Union authorization cards and Union
 18 literature before she moved.

19 14. Bryson is known as a leader by other employees at JFK8. Bryson wants to return back
 20 to work at JFK8. I BELIEVE THAT Bryson has not said that he no longer wants to continue organizing
 21 at JFK8.

DP
 DP

22 15. Sometime in May 2021 and continuing to date, the ALU began having weekly Zoom
 23 calls. The ALU invites all employees by Telegram chat to join the Zoom calls.

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1 Telegram is the name of the application that the ALU uses to communicate with
2 employees. There are about 100 employees in the Telegram chat. The Zoom calls are
3 being recorded on a weekly basis for a documentary. On average, there are about 15
4 employees that join the weekly Zoom call.

5 16. On about May 2021, Amazon began placing acrylic table toppers with anti-ALU
6 messages in the employee breakroom. I provided the agent with a picture of the acrylic
7 table toppers. Amazon also put these messages on monitors and television screens
8 throughout JFK8 including near 1st floor above the metal detectors, television screens
9 across from the Loss Prevention Desk, a television screen next to timeclocks, and on
10 the 3rd floor monitor next to the employee breakroom.

11 17. On about May 12, 2021, Amazon distributed InSites messages to employees by email
12 and text messages about the ALU. I provided the agent with a copy of the InSite.

13 18. On about May 19, 2021, Amazon distributed InSites messages to employees by email
14 and text messages about the ALU. I provided the agent with a copy of the InSite.

15 19. After Amazon began posting anti-union messaging in May 2021, I noticed that there
16 was a decline in the number of signed union authorization cards returned to the Union.
17 Before May 2021, ALU received about 30-40 cards per day. After the anti-union
18 messaging, ALU received about 15 cards per day. ALU has an excel spreadsheet that
19 it used to keep track of some of the cards.

20 20. In May 2021, I had about one or two employees tell me that they spoke to Amazon
21 managers and that there was no point in joining the ALU. I cannot recall the names of
22 the employees that told me there was no point in joining the ALU. JFK8 is a large
23 facility with a lot of turnover.

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1 21. Beginning in May 2021, almost every other day, I had employees tell me that that they
2 were afraid for their jobs and did not want to support the union. Dana Sessano, Elsie
3 Rodriguez, Ligia Salazar, Herbert Laughton are some of the employees that mentioned
4 they are afraid for their jobs because they know Bryson was fired.

5 22. On about June 2, 2021, Amazon distributed InSites messages to employees by email
6 and text messages about the ALU. I provided the agent with a copy of the InSite.

7 ~~ON OR ABOUT~~
8 23. ~~Some~~ on June 12, 2021, an Amazon Human Resource representative Luke Wojahn
9 confiscated ALU materials from the breakroom. There were about 100 employees that DP
witnessed Wojahn confiscate the ALU materials from the breakroom.

10 24. After Wojahn confiscated ALU literature, I posted a message on the Voice of
11 Associates (VOA) boards informing employees that Amazon was confiscating ALU
12 literature. I wrote words to the effect, why is Amazon taking Union literature?

13 25. After Wojahn confiscated the ALU literature from me, no employees refused to take
14 union literature from me, or refused to talk to me, ~~JUST~~ BECAUSE THEY SAW
WOJAHN CONFISCATE THE LITERATURE. DP

15 26. After Wojahn confiscated the ALU literature from me, Will (LNU), Jazmin Escobar,
16 another Will (LNU), and about three other employees attended the Zoom calls on a less
17 consistent basis.

18 27. On or about August 11, 2021, the ALU held a rally next to the bus stop outside of JFK8
19 parking lot. There were about 20 employees present at the ALU rally to announce that
20 the ALU got 1,000 signatures on Union Authorization cards.

21 28. Sometime around August 13, 2021, Amazon posted InSTALLments notices in the
22 employee bathrooms about social engineering. I provided the agent with a copy of the
23 notice.

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1 29. Sometime around the end of August 2021, an Amazon security guard took pictures of
2 ALU members at a BBQ next to the bus stop outside of JFK8 parking lot. ALU posted
3 the incident on its Twitter account. I cannot recall if the ALU informed employees on
4 the VOA boards about the security guard taking pictures. I do not recall if this incident
5 was reported to employees in the Telegram chat.

6 30. After the Amazon Security Guard took pictures of the ALU members at the Union tent,
7 I noticed that employee attendance at the Zoom calls fluctuated by about five
8 employees. The employees eventually came back to the join the calls.

9 31. Sometime around the end of August 2021, employee Damiloa (LNU) requested that
10 her signed Union authorization card be returned. At first, Damiloa told me that she
11 wanted her card back because she was leaving Amazon. After I spoke with Damiloa
12 in person, she told me she wanted her signed card back because she heard she could
13 get fired for signing the card. Damiloa said there was also a rumor that employees had
14 to pay \$1 to the ALU for each signed authorization card. Of the Union authorization
15 cards that I distributed, Damiloa is the only employee that asked for her Union
16 authorization card back.

17 32. I know that worker organizer Brett Daniels was told by an Amazon representative that
18 he was not allowed to hand out ALU literature in the parking lot during non-work time.
19 I do not recall when Brett was told he wasn't allowed to distribute literature. I do not
20 recall if Brett told employees on the Telegram chat, VOA Boards, or social media what
21 happened. I BELIEVE HE SHARED WHAT HAPPENED ON THE
22 TELEGRAM CHAT.

23 33. On or about October 25, 2021, the ALU held a rally next to the bus stop outside of JFK-
24 8 parking lot. There were about 15 employees present at the ALU rally to announce
that the ALU filed a for a petition for election.

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1 34. Sometime around October 28, 2021 employee Shade Ulloa was asked by Amazon
 2 Employee Relations Representative about her Union involvement. Ulloa informed at
 3 least 100 employees that she was questioned on the Telegram chat. The ALU did not
 4 make Ulloa's questioning public on the VOA Boards or social media.

5 35. I believe other employees have been questioned by Amazon representatives including
 6 myself. I believe that my interrogation allegation was dismissed. I do not recall if
 7 employees have shared their questioning by Amazon representatives on the Telegram
 8 chat or social media.

9 36. Sometime in October 2021, I had about one or two employees tell me that they spoke
 10 to Amazon managers and that there was no point in joining the ALU. I do not know
 11 the employees' names. DP

12 37. Sometime in 2020, Amazon went back to pre-Covid rate/time/time-off task policies.
 13 ~~TIME OFF TASK IS A TEMPORAL SURVEILLANCE TOOL THAT TRACKS~~
 14 ~~THE TIME OFF TASK IS THE AMOUNT OF TIME AN EMPLOYEE SPENDS AWAY FROM THEIR~~
 15 ~~THE TIME WORKERS ARE CLOCKED IN BUT NOT ACTIVELY SCANNING ITEMS~~
 16 ~~workstation. During the pandemic, Amazon did not enforce these policies so that~~
 17 ~~RATE IS A TEMPORAL SURVEILLANCE TOOL THAT TRACKS THE SPEED~~
 18 ~~workers had time to do things like wash their hands. AT WHICH WORKERS ARE~~
 19 ~~SCANNING, PICKING, PACKING, OR COUNTING ITEMS. IN THE SUMMER OF~~
 20 ~~2020 AMAZON SAID THEY WERE NOT DISCIPLINING WORKERS FOR RATE~~
 21 38. Sometime in the summer 2021, Amazon stopped having Blue vests at JFK8 enforce ~~OR TIME~~
 22 social distancing and mask mandate policies. ~~OFF TASK~~
 23 ~~TO HELP~~
 24 ~~PREVENT THE~~
 25 ~~SPREAD OF~~
 26 ~~COVID-19.~~

18 39. On or about October 10, 2021, Amazon went back to its pre-Covid break time policies.
 19 During the pandemic, the breaks were staggered at JFK8 so that employees could avoid
 20 being in the breakroom at the same time. ~~WHICH MADE IT SOMEWHAT~~
 21 ~~EASIER TO SOCIALLY DISTANCE~~

22 40. All of the policies in paragraphs 37, 38, and 39 are the types of policies that Smalls,
 23 Bryson, and I were protesting for in March/April 2020. Amazon plans on hiring
 24 workers for the upcoming holiday season without these protocols in place. ~~EXAMPLES OF THE KINDS OF~~
 25 ~~I UNDERSTAND THAT~~

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1 I am being provided a copy of this Confidential Witness Affidavit for my review. If,
 2 after reviewing this affidavit again, I remember anything else that is relevant, or
 3 desire to make any changes, I will immediately notify the Board agent. I understand
 4 that this affidavit is a confidential law enforcement record and should not be shown
 5 to any person other than my attorney or other person representing me in this
 6 proceeding.

7 I have read this Confidential Witness Affidavit consisting of (8) pages, including this
 8 page, I fully understand it, and I state under penalty of perjury that it is true and
 9 correct. However, if after reviewing this affidavit again, I remember anything else
 10 that is important or I wish to make any changes, I will immediately notify the Board
 11 agent.

12 Date: Nov 9, 2021

Signature: *Derrick Palmer*
 Derrick Palmer (Nov 9, 2021 20:30 EST)

Derrick Palmer

13
 14 Signed and sworn to before me by telephone on November 2, 2021

15
 16 *Evamaria Cox*
 17

18 Evamaria Cox

19 Board Agent

20 National Labor Relations Board

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2021.11.09_Derrick Palmer_Affidavit

Final Audit Report

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